

# Notice of Allowability

Application No.

10/688,114

Examiner

Adolfo Nino

Applicant(s)

BURDICK, BRETT R.

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 9/20/04.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 20 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**ANTHONY DINKINS**  
**PRIMARY EXAMINER**

***Allowable Subject Matter***

Claims 1-25 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1-8, the cited prior art does not disclose, teach or suggest, alone or in combination, a limitation of a fence insulator comprising: "a second retention member positioned adjacent the second pair of aligned grooves and configured for receiving one of the wires underneath the first retention member and within the first pair of aligned grooves and the other one of the wires is positionable underneath the second retention member and within the second pair of aligned grooves".

With respect to claims 9-18, the cited prior art does not disclose, teach or suggest, alone or in combination, a limitation of a fence insulator comprising "a second retention member configured for receiving the other one of the wires underneath a portion thereof and located adjacent the wire mounting face and longitudinally spaced apart from the first retention member".

With respect to claims 19-21, the cited prior art does not disclose, teach or suggest, alone or in combination, a limitation of a fence insulator comprising: "a second rigid tab positioned adjacent the wire mounting face longitudinally spaced apart from the first tab and having an opening for passage of the second wire and a curved closed end configured for bearing against the second wire".

With respect to claims 22-25, the cited prior art does not disclose, teach or suggest, alone or in combination, a limitation of a fence system comprising: "a unitary

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insulator configured to receive the current carrying wire and the ground wire and to maintain the wires in a spaced apart and electrically isolated orientation”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Response to Arguments***

Applicant's arguments, see pages 8-10 of Amendment, filed 9/20/04, with respect to independent claims 1, 9, 19 and 22 have been fully considered and are persuasive. The rejections of claims 1-25 have been withdrawn.

Regarding claims 1-18, the Examiner agrees with Applicant's argument that Lance (GB 2,187,771) lacks factual basis for a motivation to provide a second retention member configured as set forth in the claims wherein a pair of fence wires are maintained a distance apart.

Regarding claims 19-21, the Examiner agrees with Applicant's argument that Wilson (US 4,263,477) lacks factual basis for a motivation to provide an insulator having a second rigid tab element as set forth in the claims wherein a pair of fence wires are maintained a distance apart.

Regarding claims 22-25, the Examiner agrees with Applicant's argument that Ruth et al. (US 4,695,677) do not disclose a fence system comprising a unitary insulator configured to receive a current carrying wire and a ground wire and to maintain the wire

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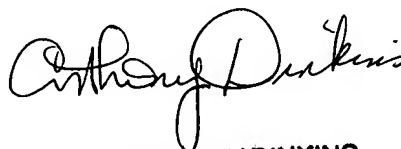
in a spaced apart and electrically isolated orientation. As pointed out by the Applicant, the tensioning system of Ruth et al. is made up of a pair of separate tensioners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (571) 272-1981. The examiner can normally be reached on M-F (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AN

  
ANTHONY DINKINS  
PRIMARY EXAMINER